

REMARKS

The present application has been reviewed in light of the Office Action mailed June 5, 2007. Claims 1-30 are pending in the application, of which, independent Claims 1, 15, 22, 25 and 26 have been amended herein. Reconsideration of the present application is respectfully requested in view of the following remarks.

Claims 1-7, 11, 13-20, 22 and 26-29 were rejected under 35 U.S.C. 102(b), as being anticipated by Shannon (USPN 3,653,389). Applicant respectfully submits that each of independent claims 1, 15, 22 and 26, as amended herein, is allowable over Shannon because Shannon fails to disclose or suggest each and every element of the independent claims 1, 15, 22 and 26. The rejection is respectfully traversed.

Each of independent claims 1, 15, 22, 25 and 26 has been amended herein to recite, *inter alia*, a jaw blade for use in a surgical clip applier, each jaw defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip, and at least one inter-leg engaging member extending from one of the first and second legs and engageable with the other of the first and second legs.

As seen in FIGS. 3, 3a and 4-9, of the present disclosure, jaw blade 100 includes a pair of legs 102a, 102b each having a jaw 104a, 104b, respectively, wherein each jaw 104a, 104b defines a respective recess 112a, 112b formed in opposed surfaces thereof and extending substantially in a longitudinal direction thereof.

In contrast, Shannon discloses disposable forceps including arms 11, each having alignment lugs 8, 9 extending therefrom, and provided with article-engaging teeth 6. Applicant respectfully submits that Shannon fails to show, teach or disclose a channel formed in and extending substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip, as recited in each of independent claims 1, 15 and 26. Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 1, 15 and 26 is not anticipated under 35 U.S.C. 102(b) over Shannon.

Since claims 2-7, 11, 13 and 14 depend, directly or indirectly, from claim 1, and since claims 16-20 depend, directly or indirectly, from claim 15, and since claims 27-29 depend, directly and indirectly, from claim 26, for at least the reasons presented above for the patentability of claims 1, 15 and 26, Applicant respectfully submits that claims 2-7, 11, 13, 16-20 and 27-29 are also patentable over Sannon.

Claims 1, 8, 12, 15, 17, 21, 26, 27 and 30 were rejected under 35 U.S.C. 102(b), as being anticipated by Whitton, Jr. et al. (USPN 3,140,715). Applicant respectfully submits that each of independent claims 1, 15, and 26, as amended herein, is allowable over Whitton, Jr. et al. because Whitton, Jr. et al. fails to disclose or suggest each and every element of the independent claims 1, 15, and 26. The rejection is respectfully traversed.

As discussed above, each of independent claims 1, 15 and 26 recites, *inter alia*, a jaw blade for use in a surgical clip applier, each jaw defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip, and at least

one inter-leg engaging member extending from one of the first and second legs and engageable with the other of the first and second legs.

In contrast, Whitton, Jr. et al. teaches forceps 10 including a pair of arms 11, 12, wherein a projection 20 extends from arm 11 for receipt in a socket 21 of arm 12. Each arm 11, 12 includes teeth 17' arranged in a herringbone pattern, each tooth having lateral portions which extend forwardly and inwardly along the face of each jaw. The teeth of jaws 14' and 15' mesh when the jaws are closed. (see Col. 2, line 72 to Col. 4, line 3).

Applicant respectfully submits that Whitton, Jr. et al. fails to show, teach or disclose a channel formed in and extending substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip, as recited in each of independent claims 1, 15 and 26. Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 1, 15 and 26 is not anticipated under 35 U.S.C. 102(b) over Whitton, Jr. et al.

Since claims 2 and 12 depend, directly or indirectly, from claim 1, and since claim 17 depends from claim 15, and since claims 27 and 30 depend, directly and indirectly, from claim 26, for at least the reasons presented above for the patentability of claims 1, 15 and 26, Applicant respectfully submits that claims 2, 12, 17, 27 and 30 are also patentable over Whitton, Jr. et al.

Claims 1, 3, 9, 10 and 22-24 were rejected under 35 U.S.C. 102(b), as being anticipated by Tartaglia (USPN 4,318,313). Applicant respectfully submits that each of independent claims 1, 22 and 25, as amended herein, is allowable over Tartaglia because Tartaglia fails to disclose or suggest

each and every element of the independent claims 1, 22, and 25. The rejection is respectfully traversed.

In contrast, Tartaglia teaches tweezer forceps including a pair of arms 10, 10', wherein arm 10 includes projections 26, 26' extending therefrom and arm 10' includes a projection 30 extending therefrom. The projections 20, 20' and 30 interact with one another to maintain arms 10, 10' aligned with one another. The free ends of arms 10, 10' may be provided with gripping teeth for securely grasping an object.

Applicant respectfully submits that Tartaglia fails to show, teach or disclose a channel formed in and extending substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive a surgical clip, as recited in each of independent claims 1 and 22. Accordingly, in view of the foregoing, Applicant respectfully submits that each of independent claims 1 and 22 is not anticipated under 35 U.S.C. 102(b) over Tartaglia.

Since claims 3, 9 and 10 depend, directly or indirectly, from claim 1, and since claims 23 and 24 depend, directly or indirectly, for at least the reasons presented above for the patentability of claims 1 and 22, Applicant respectfully submits that claims 3, 9, 10, 23 and 24 are also patentable over Tartaglia.

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Korthoff et al. (USPN 5,366,458) in view of Shannon. Applicant respectfully submits that claim 25 is allowable over Korthoff et al. in view of Shannon because Korthoff et al. taken in any proper combination with Shannon fails to render claim 25 obvious.

As mentioned above, claim 25 recites, *inter alia*, a method for applying surgical clips and performing blunt dissection of tissue, comprising the steps of providing a surgical clip applier for applying surgical clips, which surgical clip applier includes a jaw blade having a first leg and a second leg, each of the first and second legs having a jaw integrally connected thereto and extending distally therefrom, each jaw defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive the surgical clip therebetween.

The Examiner relies on Korthoff et al. for the disclosure of a method of applying surgical clips and for performing blunt dissection of tissue. Applicant respectfully submits that Korthoff et al. discloses a latchless surgical clip and a method of applying such a clip.

Applicant respectfully submits that Korthoff et al. fails to remedy the deficiencies of Shannon in that Korthoff et al. fails to show, teach or disclose a surgical clip applier including jaws each defining a channel oriented substantially along a respective longitudinal axis thereof, wherein the channels are configured to receive the surgical clip therebetween, as called for in claim 25.

Accordingly, in view of the foregoing, Applicant respectfully submits that claim 25, as amended herein, is not obvious under 35 U.S.C. 103(a) over Korthoff et al. in view of Shannon.


In view of the foregoing amendments and remarks, Applicant respectfully submits that each of the rejections of the claims in the present Office Action has been overcome because each of the references cited fails to disclose and/or suggest the present invention, as claimed.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

Please charge any deficiency as well as any other fee(s) that may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 21-0550.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of all pending claims is earnestly solicited.

Respectfully submitted,



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